

**HOUSE JOURNAL
63RD LEGISLATURE
FIFTIETH LEGISLATIVE DAY**

Helena, Montana
March 8, 2013

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative Brockie. Tribal Prayer by Councilman Lozar. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Doane, Halvorson and Moore, excused. Quorum present.

MOTIONS

Majority Leader Vance moved the House recess for the purpose of receiving The State of the Tribal Nations Address. Upon Adjournment of the Joint Session, the House will reconvene. Motion carried.

House in Recess.

Sergeant-at-Arms Spencer notified Speaker Blasdel that the Honorable Senate of the State of Montana was awaiting entrance to the Chamber.

Speaker Blasdel requested Sergeant-at-Arms Spencer admit the Honorable Senate into the House Chambers.

Speaker Blasdel introduced Senate President Essmann and yielded the chair to him.

Senate Majority Leader Wittich moved that the body resolve itself into a joint session for the purpose of receiving The State of the Tribal Nations Address. Motion carried.

Senate Majority Leader Wittich moved that President Essmann be authorized to appoint a committee of four to notify Chairman Joe Durglo of the Confederated Salish and Kootenai Tribes that the body was in joint session and ready to receive his address. Motion carried.

President Essmann appointed Senator Jonathan Windy Boy, Senator Shannon Augare, Representative Nicholas Schwaderer and Representative Frosty Calf Boss Ribs to escort Chairman Joe Durglo into the House Chambers.

Sergeant-at-Arms Ritter announced that Chairman Joe Durglo was awaiting entrance to the House.

The Committee escorted Chairman Durglo into the chambers.

President Essmann introduced Chairman Durglo to the joint session.

Chairman Durglo made the following comments:

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

Members of the Montana Indian Caucus, members of the 63rd session of the Montana Legislature, elders, tribal leaders, state officials, and my fellow citizens. As Chairman of the Confederated Salish and Kootenai Tribes, one of the eight Tribes that call Montana home, it's an honor to be here today to deliver the State of the Indian Nation address.

Eight diverse Indian Nations conduct business daily within the boundaries of the state of Montana. From the coal fields of the Crow, to the microchips manufactured at S&K Electronics on the Flathead Reservation, our people are pursuing their dream one step at a time. Our world today is much different than when our sustenance came from the open prairies, mountainsides and streams. We took game, high mountain berries, and native Bull trout. As a people, the Indians of this region have been conducting business for centuries on our homelands.

As the territory evolved, and Montana was established, and we became neighbors, we have come a long ways together. We've watched each other grow and develop. Like so many neighbors before us, we had a choice. Dig in and fight each other, or find a way to co-exist. Montanans were not our first neighbors. We first sorted out Nation to Nation issues with the Blackfeet, the Nez Perce and the Spokane. We found a way to make it work, to thrive in each other's company.

As Montana developed, we again found a way to work together. In 2012, there were 450 partnerships and collaborative projects between the state of Montana and Tribal nations. There is strength in joining forces. Tribes across the country have banded together both regionally and nationally. We are members of the National Congress of American Indians, and members of the Affiliated Tribes of the Northwest Indians, and we are members of the Montana Wyoming Tribal Leaders Council of Montana and Wyoming. We are also US citizens, defenders of our country in the armed services in the highest percentage of any group of Americans, and we are valuable members of Montana's community. We will continue to be viable partners with Montana, for the good of all of our communities. To ensure our ties remain strong, I want to suggest that the members of this legislature embrace tribal sovereignty, not be wary or suspicious of it. This sovereignty allows us to prosper in a manner that helps the State prosper. As the expression goes: as the financial waters rise for the Tribal nations, the waters rise for everyone.

Today, all eight nations are experiencing successes our ancestors would hardly believe. Yet there is much work remaining. We must focus on economic development, job creation, education, and health care. Continued cooperative agreements between the tribes and state will help improve the economic conditions of the reservations, which will in turn benefit Montana's economy and communities.

The University of Montana study, Uncovering Economic Contributions of Montana's Indian Tribes, revealed that reservations are economic engines that infuse \$1 billion annually into the state economy. As our reservation conditions improve, so does Montana.

The work to improve reservation conditions has been a focus of the Montana American Indian Caucus through efforts to improve academic achievement in our communities and support for

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

our native language preservation. Senator Jonathan Windy Boy's Senate Bill 342 is a much needed step toward preserving our languages.

In the previous legislative session, great strides were made to ensure tribal governments were taxed equally with state governments. Those efforts continue this session, which need support. Senate Bill 231 would increase the tax threshold for tribal recreational property, a step of putting tribal government lands on the same status as state lands.

All of the Tribal Nations that call Montana home are very different. However, we have similar challenges remaining for our people in areas of unemployment and standards of living. Thank you for the continued training you provide state employees on best ways to work within Indian Country. The next update of a Government-to-Government Proclamation could expand into Tribal languages, histories, and culture that reinforces and enriches Montana further. This will help the work needed to protect our sacred sites and historical areas.

Throughout our Tribal nations, we welcome partners willing to listen to our vision for our people, and work to create a world rich with our traditional values. We need to continue supporting the tribal colleges, which turn out a skilled workforce. Meeting the challenges of our homelands requires some focused strategy, but we can get there together.

In our community, many people talk about the formula for success. The method is simple. It's collaborating and finding the best ways that work for our communities. That is easier said than done. We value the friendships that have developed through the years. These connections help us weather the conflicts that rise. Sometimes our values fight to co-exist and we must work through these tensions.

As a tribal people, we have not forgotten our past. We embrace our traditional ways, our languages, and our culture that has enabled our people to thrive on this land for thousands of years. But we also look toward the future.

The national economic horizon has been murky. We're all looking forward to brighter days. Much state effort has been put toward tourism, an effort the tribes joined. We're seeking the same goals, more jobs, more opportunities, a thriving economy where none are left wanting. It is a wise path to continue seeking these mutually beneficial partnerships.

For example, the oil exploration and production in Northeast Montana is impacting all the neighboring communities including the Fort Peck Reservation. Tribal infrastructure and services face overwhelming demands. This is an opportunity to partner with Montana in addressing shortages of law enforcement and emergency response personnel. With the oil boom comes a need to meet these demands together.

Further to the west, the Salish and Kootenai people are pursuing an enormous economic development plan, with state and federal partners. If successful, it will ensure the economic engine in Western Montana continues to run. I'm talking about the water rights compact. We are the final tribe seeking quantification of our water rights through the Montana state

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

system. We are the only reservation in Montana with a Stevens Treaty, which includes off-reservation rights, a type of Treaty common in the Columbia River basin. Our negotiations with the Reserved Water Right Compact Commission resulted in a completed compact. We endeavored to bring a bright spot to the Mission Valley and Western Montana in the form of a completed compact that could pass through this session of the state legislature, and bring certainty after decades of fighting.

However, there are forces that wish to tie up the Western Montana economy with unnecessary court battles that will drag down all of our businesses. We agreed to this state process of seeking a compact. We've been at public meetings for decades in an effort that has been intense for the past four years. Our efforts have been met with suspicion by those that refuse to trust the Tribes, even though this is a state process. We are in danger of allowing our differences to define us when we should be using our differences to make us stronger.

We look forward to a day when we can conduct business in a mutually respectful environment. Be the topic water, buffalo or extended medical care, there must be respect. We are Native, and we are proud, and we are strong, and we offer our partnership to you for the greater good of the community. Support the agreed upon water compact. That compact contains the very progressive concept of unitary management of water that will make water rights transparent and will benefit both the environment and agriculture community.

We are sovereign nations, empowered to determine how best to govern ourselves. Our history goes back more than 14,000 years on our homeland. We've endured many changes. As a people, we expect to continue our long running success.

We'll continue as your colleague, your neighbor, business partner, educator and your friend. We'll continue to run our colleges, our law enforcement teams, courts, and businesses. We'll tend to the social service programs, wildlife, and forestry management. We'll still watch the lakes and streams for signs of trouble and plan for road expansions and infrastructure developments. There are projects to administer, meetings to take, and letters to send. We all know about getting business done. We look forward to another bright morning where you trust we will be there at the table when you need us, and, in return, the Tribal nations can count on your growing understanding of working with us as your partners.

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President Essmann directed the committee of four to escort Chairman Durglo from the joint session.

Senate Majority Leader Wittich moved that the joint session of the 63rd Legislature be adjourned. Motion carried.

The House reconvened.

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

BILLS (O'Hara, Chair):

3/8/2013

Correctly printed: HB 408, HB 478, HB 583, SB 3, SB 12, SB 21, SB 23, SB 35, SB 49,
SB 71, SB 86, SB 142, SB 145, SB 211, SB 213, SB 306, SJR 8.

Correctly engrossed: HB 471, HB 498, HB 523, SB 40, SB 101, SB 120.

Correctly enrolled: HB 261.

Transmitted to the Senate: HB 313, HB 465, SB 41, SB 123, SB 164.

COMMUNICATIONS AND PETITIONS

Mr. Speaker: We, your committee on Legislative Administration, having examined the daily journals for the thirty-first, thirty-second, thirty-third, thirty-fourth, and thirty-fifth legislative days, find the same to be correct.

Representative O'Hara, Chair

REPORTS OF STANDING COMMITTEES

AGRICULTURE (Randall, Chair):

3/7/2013

HB 471, introduced bill, be amended as follows:

1. Page 1, line 30.

Strike: ":"

2. Page 2, line 1.

Strike: "(i)"

3. Page 2, line 2.

Strike: "; and"

Insert: "."

4. Page 2, line 3 through line 5.

Strike: subsection (ii) in its entirety

And, as amended, do pass. Report adopted.

SB 86, be concurred in. Report adopted.

SB 211, be concurred in. Report adopted.

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

BUSINESS AND LABOR (Berry, Chair):
SB 120, be amended as follows:

3/8/2013

1. Page 6, line 16.
Following: "(8)
Insert: "(a)"

2. Page 6.
Following: line 19
Insert: "(b) If two or more individuals through business or family relationship share in the
profits
or liabilities of all-beverages licenses, the aggregate number of licenses in which they share
profits or liabilities may not exceed half the total number of allowable all-beverages licenses in
the specific quota area in which the all-beverages licenses will be held."

And, as amended, be concurred in. Report adopted.

SB 235, be concurred in. Report adopted.

FISH, WILDLIFE AND PARKS (Welborn, Chair):
SB 101, be amended as follows:

3/8/2013

1. Page 3, line 26.
Following: "due to"
Insert: "a permanent medical condition or"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Kerns, Chair):
HB 403, do pass. Report adopted.
HB 478, do pass. Report adopted.
SB 145, be concurred in. Report adopted.
SB 213, be concurred in. Report adopted.
SB 306, be concurred in. Report adopted.
SJR 3, be concurred in. Report adopted.

3/8/2013

LOCAL GOVERNMENT (Bangerter, Chair):
SB 23, be concurred in. Report adopted.
SB 40, be amended as follows:

3/7/2013

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

1. Page 4, lines 19 and 20.

Following: "submitted" on line 19

Strike: "as provided in 76-3-604"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Ingraham, Chair):

3/8/2013

HB 498, introduced bill, be amended as follows:

1. Page 1, line 19.

Strike: "birthday"

Insert: "date of birth"

2. Page 1, line 20.

Following: "on the"

Insert: "anniversary of the"

3. Page 1, line 21.

Strike: "21st birthday"

Insert: "date of birth"

And, as amended, do pass. Report adopted.

SB 3, be concurred in. Report adopted.

SB 12, be concurred in. Report adopted.

SB 21, be concurred in. Report adopted.

SB 35, be concurred in. Report adopted.

SB 49, be concurred in. Report adopted.

SB 71, be concurred in. Report adopted.

SB 142, be concurred in. Report adopted.

SJR 8, be concurred in. Report adopted.

TAXATION (Miller, Chair):

3/8/2013

HB 408, do pass. Report adopted.

HB 523, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

2. Page 1, line 19.

Following: line 18

Insert: "NEW SECTION. Section 3. Applicability. [This act] applies to tax periods beginning after December 31, 2014."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/7/2013

HB 28, introduced by Bangerter

HB 123, introduced by Regier

HB 190, introduced by Knudsen

HB 212, introduced by Knudsen

Senate bills passed and transmitted to the House for concurrence: 3/7/2013

SB 200, introduced by Vincent

SB 301, introduced by Murphy

SB 357, introduced by Facey

Senate joint resolution passed and transmitted to the House for concurrence: 3/7/2013

SJR 15, introduced by Fielder

FIRST READING AND COMMITMENT OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 583, introduced by Cook, Blasdel, referred to Appropriations.

The following Senate bills were introduced, read first time, and referred to committees:

SB 19, introduced by Hamlett (by request of the Water Policy Committee), referred to Natural Resources.

SB 108, introduced by T. Brown, referred to Taxation.

THIRD READING OF BILLS

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 373 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 97

Nays: None.

Total 0

Voted Absentee: None.

Excused: Doane, Halvorson, Moore.

Total 3

Absent or not voting: None.

Total 0

HB 415 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Cuffe, Curtis, Dudik, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Hansen, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

Total 89

Nays: J. Bennett, Court, Eck, Edmunds, Harris, Hertz, Kerns, Wagoner.

Total 8

Voted Absentee: None.

Excused: Doane, Halvorson, Moore.

Total 3

Absent or not voting: None.

Total 0

HB 488 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Boland, Boss Ribs, Brockie, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 92

Nays: Blyton, Brodehl, Kerns, O'Neil, Welborn.

Total 5

Voted Absentee: None.

Excused: Doane, Halvorson, Moore.

Total 3

Absent or not voting: None.

Total 0

HB 524 passed as follows:

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: Lenz, C. Smith.

Total 2

Voted Absentee: None.

Excused: Doane, Halvorson, Moore.

Total 3

Absent or not voting: None.

Total 0

MOTIONS

Representative Edmunds moved to change his vote on HB 488 from Not Voting to Yes. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House adjourn until 8:00 a.m., Saturday, March 9, 2013. Motion carried.

House adjourned at 1:50 p.m.

HOUSE JOURNAL
FIFTIETH LEGISLATIVE DAY - MARCH 8, 2013

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House